Items under General Licence Scheme

6296. SYED SIBTEY RAZI:
SHRI SURESH KALMADI:

Will the Minister of COMMERCE be pleased to state:

(a) whether Government have decided to put sugar, oil, cotton, and other items under the Open General Licence Scheme;

(b) if so, the details thereof with background for such a move;

(c) whether some results are expected to be achieved with this move; and

(d) if so, the details thereof and if not, the further steps proposed to be taken in this regard?

THE MINISTER OF COMMERCE (SHRI PRANAB MUKHERJEE): (a) to (d) Sugar, raw cotton and edible vegetable palmoline oil have been made freely importable. This will help in augmenting the availability of these items for domestic consumption.

Protection of Micro-Organisms and Micro-Biological Processes under WTO

6297. SHRI CHIMANBHAI MEHTA:
SHRI G. G. SWELL:

Will the Minister of COMMERCE be pleased to state:

(a) whether it is a fact that micro-organisms and micro-biological processes are to be protected under WTO authority;

(b) what is covered by micro-organisms and micro-biological processes and its nature and scope;

(c) whether patents would be given for 'invention' and not 'discoveries';

(d) what is 'invention' and 'discovery' in the field of the processing microbiology;

(e) whether the produc of nature is patentable;

(f) whether it is a fact that British Medical Association has expressed the view in a report (December 1992) that living organism would not be patented;

(g) whether USA has patented living organism; and

(h) if so, what are there patented living organisms?

THE MINISTER OF COMMERCE (SHRI PRANAB MUKHERJEE): (a) to (h) Though the TRIPs agreement provides for protection to micro-organisms and non-biological and micro-biological processes, the term micro-organism has not been defined in the agreement. It will need to be defined in our law, and government propose to set up an expert group to suggest appropriate changes.

However, the term micro-organism is generally understood to mean tiny-unicellular or multicellular-organisms present in nature or artificially derived by mutation of naturally occurring organisms, including viruses, bacteria, protozoa, etc. Micro-biological processes are inter alia used in the prepartion of chemical substances and mutation of existing micro-organisms.

To obtain a patent an invention has to meet, amongst others, the three basic requirements of being new, involving an inventive step and being capable of industrial application.

There are divergent views on the patenting of life forms, and patent practices are not harmonized even amongst the developed countries. The US is reported to have gone the farthrest in this direction and issued patents for organisms ranging from viruses and bacteria to mice.